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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

MORAN, M

ART UNIT

PAPER NUMBER

1631

DATE MAILED:

06/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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16

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The reply filed on 3/30/01 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant failed to elect a species of peripheral moiety precursor from among those disclosed in the specification. The restriction/election requirement of 2/12/01 stated that peripheral moiety precursors include amino acid side chains, nucleotide bases, "analogs" of nucleotide bases, sugar moieties, sulfonamides, peptidomimetic groups, charged groups, polar groups, aryl groups, and alkyl groups, as disclosed on page 16, and various other groups as disclosed on page 19 of the specification. Page 16 of the specification actually teaches that peripheral moiety precursors can include functionalities selected from the groups set forth above. The structures shown on page 19 are all larger compounds comprising amino groups. It is clear from the teachings of the specification that the peripheral moiety precursor is intended to be a molecule comprising a particular reactive group or groups, such that a peripheral moiety is "derived" upon reaction of a reactive groups with a scaffold precursor, and is not intended to BE the reactive group. That is, a portion of the peripheral moiety precursor structure must be "left over" after reaction with a scaffold precursor. See e.g. page 22, line 24-page 23, line 6. The specification does not teach a peripheral moiety precursor which IS an amine group anywhere. In addition, while the specification teaches peripheral moiety precursors which comprise amino groups (p. 19) and teaches that such groups can react to form amines (p. 22, example 11, the specification does not teach a peripheral moiety precursor which comprises an amine group anywhere. As no peripheral moiety precursor which is, or which comprises an amine group is disclosed in the specification or claims, election of a such a group is improper, and is therefore not a proper response to the election requirement. Applicant is required to elect a peripheral moiety precursor from among those specifically disclosed in the instant specification.

Although the specification discloses that both scaffold precursors and peripheral moieties comprise reactive groups, the examine believes that the restriction/election requirement made it clear, by the reference to scaffold precursor/reactive group combinations disclosed on page 18, that the reactive group election was directed to the reactive group on the scaffold precursor. As the examples of page 18 include both fused ring system scaffold precursors and, separately, scaffold precursors with acid chloride reactive groups, the election of a fused ring system for a scaffold precursor and of an acid chloride for a reactive groups are considered proper, therefore these groups are considered elected.

Applicant is reminded that an elected combination of scaffold precursor, reactive group, and peripheral moiety must be both fully supported and enabled by the specification as originally filed. For example, the examiner can not find specific support for a fused ring scaffold precursor with an acid halide reactive group. Direction from applicant in finding support for the elected embodiments (e.g. a response pointing to support in the specification by page and line number) would be helpful in determining whether the specification, in fact, provides support for a particular combination.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Marianne P. Allen
MARIANNE P. ALLEN
REGISTERED EXAMINER

A41631